

## REMARKS

These amendments and remarks are responsive to the Office Action dated 01/24/2006 wherein the finality of the rejection was withdrawn. Claims 1-18, 30 and 31 are presently pending in this application.

Claim Rejections under 35 U.S.C. §112

Claim 30 was rejected under 35 U.S.C. §112, ¶2 as being indefinite. Applicant has made a non-limiting and/or tangential amendment to claim 30 to emphasise the antecedent basis of that claim. Applicant respectfully requests that the rejection be withdrawn.

Claim rejections under 35 U.S.C. §103

Claims 1, 3, 7, 12 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,510,923 of Philippe et al. (hereafter "Philippe") in view of U.S. Patent No. 4,926,415 of Tawara et al. (hereafter "Tawara"). Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tawara in view of Philippe. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Philippe in view of Tawara and further in view of U.S. Patent No. 6,681,116 to Johnson (hereafter "Johnson"). Claims 5, 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Philippe in view of Tawara and further in view of U.S. Patent No. 4,975,926 of Knapp (hereafter "Knapp"). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Philippe in view of Tawara and further in view of U.S. Patent No. 6,360,035 of Hurst, Jr. et al. (hereafter "Hurst"). Claims 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Philippe in view of Tawara and further in view of Knapp and in further view of U.S. Patent No. 5,726,786 of Heflinger (hereafter "Heflinger"). There were no specific rejections of claims 4, 14 or 30. The Office Action Summary further indicates that claim 32 (which is not currently pending in this application) is rejected, but does not list claim 30 as being rejected.

The Cited Art

Philippe describes a network which combines a circuit switching multicoloured optical network (R1) and a packet switching network (R2). The circuit switching network is adapted to transmit data at a high rate. The packet switching network is adapted to transmit data at an average rate. Control data are carried on the packet switching network. This arrangement is said to provide a more efficient transmission of data and effectively handles peak transmission rates, and is said to have an application to telecommunications.

Tawara describes network interface in a local area network system for transferring a message from a first terminal to a second terminal at high speed including a receiving section for receiving the message from the first terminal, a first sending section for sending the received message to a first network on the basis of a first control instruction, a second sending section for sending the received message to a second network on the basis of a second control instruction, and a network control section for detecting a message size of the received message and for outputting the first and second control instruction to the first and second sending section in accordance with the message size.

Johnson describes a communication system including a first communication node connected to a second communication node by a wireline for integrating parallel layers of wireless communications for exchange with users. The first communication node includes a free-space laser device, a first wireless system, and a first wireline device, and a second communication node comprising a second wireless system and a second wireline device.

Knapp describes an intraoffice communication system as the final communication link of a broadband, baseband, or fiber optic LAN. Each user or workstation is a node on the network and can transmit at high data rates with bit error rates of less than or equal to  $10^{-9}$  in packets through the LAN. Message relaying transponders are placed on the ceiling and walls communicating by electromagnetic waves to individual workstations by broadcast. A multipath rejection scheme combines transponder placements with pseudonoise coding for robust and secure data transmission. For the present state of the art if infrared is used, they estimate a minimum light collecting aperture (receive antenna) of  $1 \text{ cm}^2$  for transmission rates of 30 to 100 Mb/s.

Hurst describes an optical microswitch for use with a laser beam comprising a support body and first and second output fibers carried by the body. An electrostatic microactuator is carried by the body and extends in a plane. A micromirror is disposed out of the plane. The microactuator has a mirror holder coupled to the micromirror and at least one comb drive assembly coupled to the mirror holder for driving the micromirror about an axis of rotation extending perpendicular to the plane between a first position for reflecting the laser beam to the first output fiber and a second position for reflecting the laser beam to the second output fiber.

Heflinger describes a free-space passively star-coupled optical data bus that uses uniform uncollimated transmission light communicating data among a plurality of transmitter and receiver paired transceiver nodes of respective communication subsystems for communicating data from one transmitting node simultaneously to each of all of the remaining receiving nodes. The data bus is defined by a transmission volume having peripheral optical ports for optically interfacing the transceivers nodes to the free-space communication transmission medium having a distribution means to distribute the light and provide a variety of data bus configurations each supported by protocol addressing and optical modulation for connectorless communications for improved reliability and reduced costs especially well-suited for conference room, office, and spacecraft applications.

### The Prior Art Distinguished

Claim 1 was rejected over Philippe in view of Tawara. Applicant respectfully submits that the Examiner has not made a *prima facie* showing of obviousness with respect to these two references. To establish a *prima facie* case, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 is clearly limited to a free space laser system. Neither Philippe nor Tawara teach or suggest a free space laser system. Instead, they teach fiber-optic networks using, for example, “star couplers” to direct signals to a number computer stations. Therefore, the combination of Philippe and Tawara do not teach or suggest all of the limitations of claims 1. Since the Examiner has failed to make a *prima facie* case of obviouness with respect to claim 1 for at least this reason, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims 2-12, 14 and 15.

Claims 30 and 31 have been amended to make it clear that Applicant is claiming free space laser transmission. Claims 30 and 31 are therefore patentable for at least the same reason as set forth with respect to claim 1. Applicant respectfully requests the withdrawal of the rejection of claims 30 and 31.

Allowable Subject Matter

The Examiner indicated that claims 13 and 16-18 were objected to as being dependent upon a rejected base claim, but would be allow if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13 and 16 have been rewritted in independent form as suggested by the Examiner, and claims 17 and 18 are dependent upon claim 16. Applicant requests that the objection to claims 13 and 16-18 be withdrawn.

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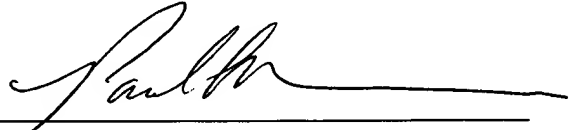
Conclusion

All claims being allowable, Applicant respectfully requests an early Notice of Allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, he is respectfully requested to call the undersigned at the number set forth below.

Date: \_\_\_\_\_

04/24/06

Respectfully submitted,



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